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Crime prevention and criminal justice

Strengthening the rule of law and the reform of criminal justice institutions, particularly in the areas related to the United Nations system-wide approach to fighting transnational organized crime and drug trafficking

Note by the Secretariat

By its resolution 2012/14 of 26 July 2012, the Economic and Social Council recommended to the General Assembly the adoption of the following draft resolution:

Strengthening the rule of law and the reform of criminal justice institutions, particularly in the areas related to the United Nations system-wide approach to fighting transnational organized crime and drug trafficking

The General Assembly,

Recalling its resolution 66/102 of 9 December 2011, entitled "The rule of law at the national and international levels", in which it reaffirmed its commitment to the purposes and principles of the Charter of the United Nations and international law, which are indispensable foundations of a more peaceful, prosperous and just world, and reiterated its determination to foster strict respect for them and to establish a just and lasting peace all over the world,

Stressing the importance of a well-functioning, efficient, effective and humane criminal justice system as the basis for a successful strategy against transnational organized crime, corruption, terrorism, drug trafficking and other forms of trafficking,

Greatly concerned by the negative impact of organized crime on human rights, the rule of law, security and development, as well as by the sophistication, diversity and transnational aspects of organized crime and its links with other criminal and, in some cases, terrorist activities,

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Recognizing the importance of the rule of law to all areas of engagement within the United Nations system, and noting with appreciation the progress made in ensuring coherence and coordination of activities to support the rule of law, in cooperation with the Rule of Law Coordination and Resource Group, while recognizing the different mandates of different United Nations entities,

Recalling Economic and Social Council resolutions 2004/25 of 21 July 2004, 2005/21 of 22 July 2005 and 2006/25 of 27 July 2006 on strengthening the rule of law and the reform of criminal justice institutions, as well as the assistance activities of the United Nations crime prevention and criminal justice programme in that area, including in post-conflict reconstruction, and aware of the leading role of the Department of Peacekeeping Operations of the Secretariat, among other entities, in providing assistance to countries in post-conflict situations,

Recalling also Economic and Social Council resolutions 2009/23 of 30 July 2009, entitled "Support for the development and implementation of the regional programmes of the United Nations Office on Drugs and Crime", and 2010/20 of 22 July 2010, entitled "Support for the development and implementation of an integrated approach to programme development at the United Nations Office on Drugs and Crime",

Recalling further the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,[1] in which Member States recognized the centrality of crime prevention and the criminal justice system to the rule of law and that long-term, sustainable economic and social development and the establishment of a functioning, efficient, effective and humane criminal justice system have a positive influence on each other,

Bearing in mind that the rule of law will include, inter alia, fostering respect for the rule of law culture and legislative, executive and judicial institutions needed to make and administer effective laws and trust and confidence that law-making will be responsive to the concerns and needs of the population and that the administration of law will be just, efficient and transparent,

Convinced of the negative impact of corruption, which erodes public confidence, legitimacy and transparency and impedes the making of fair and effective laws, as well as their administration, enforcement and adjudication,

Stressing the importance of the rule of law, both nationally and internationally, as an essential element in addressing and preventing organized crime and corruption,

Recognizing the value of the efforts being made throughout the United Nations system to strengthen activities aimed at promoting the rule of law, including the establishment of the Rule of Law Coordination and Resource Group and the Rule of Law Unit in the Executive Office of the Secretary-General,

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[1] General Assembly resolution 65/230, annex.

Noting with appreciation the establishment by the Secretary-General of the United Nations system task force on transnational organized crime and drug trafficking as threats to security and stability for the purpose of developing within the United Nations system an effective and comprehensive approach to transnational organized crime and drug trafficking, and reaffirming the crucial role of Member States as reflected in the Charter of the United Nations,

Acknowledging that the United Nations standards and norms in crime prevention and criminal justice are important tools for establishing fair and effective criminal justice systems enshrined in the rule of law and that their use and application in the provision of technical assistance should be enhanced, as appropriate,

1. *Calls upon* relevant entities of the United Nations system to continue cooperating and coordinating their activities, within their respective mandates, to promote a more integrated approach to the provision of assistance for building capacity in the area of the rule of law and criminal justice reform and to further explore joint projects in that area;

2. *Also calls upon* relevant entities of the United Nations system to systematically take into account the various aspects of the rule of law in their programmes, projects and other activities related to crime prevention and criminal justice and to include in them all segments of the population, particularly women;

3. *Reaffirms* the importance of the United Nations crime prevention and criminal justice programme in promoting effective action to strengthen international cooperation in crime prevention and criminal justice;

4. *Also reaffirms* the importance of the work of the United Nations Office on Drugs and Crime, in the fulfilment of its mandate on crime prevention and criminal justice, to provide to Member States, upon request and as a matter of high priority, technical assistance, advisory services and other forms of assistance and to coordinate with and complement the work of all relevant and competent United Nations bodies and offices, taking into account their respective mandates;

5. *Strongly encourages* all States to enhance bilateral, regional and international cooperation, in accordance with their domestic legislation, to counter the challenges posed by transnational organized crime and drug trafficking;

6. *Encourages* the United Nations Office on Drugs and Crime to incorporate relevant elements of the rule of law into its programmes and projects pertaining to crime prevention and criminal justice, in coordination, as appropriate, with other relevant United Nations entities, inter alia, the Rule of Law Coordination and Resource Group, the Office of the United Nations High Commissioner for Human Rights and the Department of Peacekeeping Operations;

7. *Also encourages* the United Nations Office on Drugs and Crime to continue to provide technical assistance and advisory services to Member States, upon request, in support of criminal justice reform and to incorporate the rule of

law into such assistance, as appropriate, including within the framework of peacebuilding, peacekeeping and post-conflict reconstruction, and to promote relevant international legal instruments, including the United Nations Convention against Transnational Organized Crime and the Protocols thereto,[2] the United Nations Convention against Corruption[3] and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988,[4] as well as relevant international anti-terrorism instruments, as appropriate, also drawing on the existing United Nations standards and norms in crime prevention and criminal justice;

8. *Welcomes* the progress made by the United Nations Office on Drugs and Crime, within its mandate and in close consultation with Member States and regional entities, in developing and implementing an integrated programme approach to technical assistance, comprising thematic and regional programmes for its delivery;

9. *Encourages* the United Nations Office on Drugs and Crime to continue developing tools and training material on crime prevention and criminal justice reform, based on international standards and norms;

10. *Reiterates* its recommendation, made in its resolution 66/181 of 19 December 2011, that Member States, as appropriate to their national contexts, adopt a comprehensive and integrated approach to crime prevention and criminal justice reform, based on baseline assessments and data collection and focusing on all sectors of the justice system, and develop crime prevention policies, strategies and programmes, and its request in that resolution to the United Nations Office on Drugs and Crime to continue to provide technical assistance, upon request, to Member States for that purpose;

11. *Requests* the United Nations Office on Drugs and Crime to continue to provide technical assistance, within its mandate, to Member States, upon request, in relation to the rule of law and long-term sustainable criminal justice reform;

12. *Urges* Member States providing development assistance to countries emerging from conflict to increase, where relevant, their bilateral assistance in crime prevention and criminal justice to those countries, and recommends that such assistance could, upon request, include elements relating to the rule of law;

13. *Invites* the institutes of the United Nations crime prevention and criminal justice programme network to include in their work programmes the issue of the rule of law, particularly aspects pertaining to crime prevention and criminal justice, with a view to understanding whether there are links between transnational organized crime, drug trafficking and corruption, and, if so, to establish the degree and nature of those links as well as the challenges they may pose to the rule of law, and to develop appropriate training material;

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[2] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

[3] Ibid., vol. 2349, No. 42146.

[4] Ibid., vol. 1582, No. 27627.

14. *Requests* the Secretary-General to submit to the General Assembly at its sixty-eighth session a report on the implementation of the present resolution;

15. *Invites* Member States and other donors to provide extrabudgetary resources for these purposes in accordance with the rules and procedures of the United Nations.